



86th District Court 2011 Annual Report

Grand Traverse County
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Traverse City MI 49684

Leelanau County
8527 E. Government Center Dr.
Suttons Bay MI 49682

www.grandtraverse.org

Antrim County
205 East Cayuga
Bellaire MI 49615



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Foreward

By Judge Thomas J. Phillips, Chief Judge

This past year was a transitional year for the Court. We welcomed Judge Michael Stepka to the bench and were pleased with how well he fulfilled his judicial duties. Mike is a smart motivated judge who works hard and makes good decisions.



We also bade farewell to Judge John Foresman who served our court well during his six year term that ended on January first of this past year. John's leadership as chief judge for four of those years was critical to the success of the court. Beyond that he was an excellent and respected jurist, both in our court and his previous years as a probate judge. Foremost, John Foresman is a true gentleman and he brought that to the bench and to his life and he positively impacted those that came in front of him. This years' annual report is dedicated to Judge John. We miss him but we are happy he has more time for golf, bowling and grandkids.

We also dedicate this annual report to Thomas Max Willson who spent 30 years in the halls of the District Court greeting visitors, attorneys and probationers. Tom was not only a roving ambassador of goodwill, he also was an excellent and caring probation officer. Tom handled thousands of cases and positively impacted many lives. We miss Tom on a daily basis. Tom continues to teach at NMC and cheer for the Spartans.



As we all know these are incredibly tough economic times for all sectors of our community. It is important that we be innovative and efficient so we can continue to serve our citizens at a high level. During the past year, we have been fortunate to increase our efficiency though the use of technology and other programs.

We started accepting credit card payments online in May. This has made credit cards more user-friendly and resulted in credit card payments increasing from approximately \$8,500 per month to over \$20,000 per month.

We have moved closer to E-ticketing which will be a more efficient way to process tickets. The police officer inputs ticket information at the scene into a computer and the information is then transferred electronically to the court software system without additional data entry by court staff. We had hoped that we would be up and running this past year because we need this efficiency to help with past clerical staff reductions, but it appears that it has been delayed until 2012.

We also started the process of moving toward a paperless court system with the

planning phase regarding the civil division. This should be implemented in 2012. The Court, through the leadership of Judge Michael Haley and our court administrator, Carol Stocking, was able to obtain two grants for mental health services for Sobriety Court participants. Ms. Stocking also was instrumental in our court being awarded a grant to upgrade security for the courthouse.

More importantly we continue to strive to do all we can to help those that come before us. As a veteran, I am happy to announce that we started a veteran's court this year. Judge Haley who is well respected for his work in specialty courts commenced the court in January. It our hope that it will help those that are in need and have done much for our country.

Judges

Judge Thomas J. Phillips was elected in 2000 and reelected in 2006 to serve Antrim, Leelanau and Grand Traverse. Prior to election, Judge Phillips was the managing partner for Running, Wise, Ford and Phillips. He joined the firm in 1975 and became a



partner in 1977. Judge Phillips grew up in the Detroit area and graduated from the University of Detroit High School. After graduating cum laude from the University of Notre Dame with a Bachelors in Business Administration, he went on to complete his law degree at the University of Michigan Law School. After law school, Judge Phillips served in the Naval Judge Advocate's General Corps as a lieutenant during the Vietnam War. While a Navy Jag, he was awarded the Freedom Award

from the NAACP for his work with black sailors. Judge Phillips is married to Judith Grier Phillips who was a high school teacher. They have four children: Ann, Meghan, Katie and Tom. Their children have undergraduate degrees from University of Michigan and Notre Dame and graduate degrees from Wayne State, DePaul, Western Michigan and University of Michigan.

Judge Michael J. Haley was first elected to the District Court in 1996. Judge Haley graduated from the University of Detroit High School and then Wayne State University before completing his law degree requirements at Loyola University School of Law in Chicago in 1974. He served as a law clerk for the Michigan Court of Appeals, assistant public defender in Kent County, and assistant Grand Traverse County prosecutor before maintaining a private law practice from 1980 until his election to the bench. Judge Haley and his wife, Mary, a retired schoolteacher, have three children: Michael, Kathleen and Colleen.



Judge Michael S. Stepka was elected to the 86th District Court in November 2010. He grew up in Traverse City and graduated from Traverse City Central High School, Northwestern Michigan College, Central Michigan University, Cum Laude, and the



University of Detroit School of Law. After graduating from law school, Judge Stepka returned to Traverse City to practice law until being elected to the bench. He also served as a Grand Traverse County Commissioner from 2009-2010, served on the Board of the Women's Resource Center, and the Third Level Legal Aid volunteer clinic for many years. He also served as the Grand Traverse, Leelanau and Antrim County Bar Association President, and was the Annual Law Day Chair

for many years. Judge Stepka's wife, Cathy, teaches at Traverse City West High School, and they have two children, Michael and Betsy.

Court Administrator

By Carol Stocking

While the judicial system is a separate, but equal, branch of government, we as a court have an obligation to make economically sound decisions and work with our local county boards of commission regarding fiscal accountability.



In 2011, we were able to present acceptable budgets to each of our counties. In each, we were fortunate to be able to maintain current staffing levels. We continue to look at tactical and strategic ways in which to address the ever-tightening budgets. At a conference I attended, a speaker said "You will never get back to normal. A "new normal" is already evolving". As a court, we are doing our part to define the new normal.

Here are some highlights from 2011:

- Started on-line credit card payments in May. Credit card transactions increased from an average of 57 transactions totaling \$8,448 per month to 148 transactions totaling \$20,142 per month.
- Started a Retail Fraud Class for first time offenders.
- Finalized the Functional Specification document on the civil division imaging project with implementation to begin in 2012.
- In November began the testing phase of the e-ticket project with the GTSD and TCPD with implementation expected in early 2012.
- Bid and were able to negotiate a lower fee and a two-year contract for the Indigent Misdemeanor Contract in Grand Traverse and Leelanau counties.
- Successfully wrote a \$90,000 grant for Mental Health services for Sobriety Court participants in January 2011 for fiscal year 2010-2011.
- A subsequent \$40,000 grant for Mental Health services for Sobriety Court participants was awarded for fiscal year 2011-2012.
- Awarded a \$39,914 grant to continue the pilot Mental Health Court program for 2011-2012.
- Awarded a \$20,000 Risk Avoidance Program (RAP) grant through MMRMA for enhanced courthouse security.
- Started the Veteran's Court in January 2011 with Judge Haley presiding.
- Celebrated the 10th Anniversary of the Sobriety Court in December 2011.

Court staff gave \$546.31 to the Northwest Michigan Community Action Agency from the Denim Friday donations. Additional generosity was shown by court staff through donation of Christmas gifts for a family through the Paper Angel's program which Sherise Shively from Community Corrections coordinated.

General Overview

The 86th District Court is part of the judicial branch of government as provided for by the Michigan Constitution in 1963 and created by the Michigan Legislature in Public Act 154 of 1968. The purpose of the District Court is to provide a system of justice for the citizens of Grand Traverse, Antrim and Leelanau Counties. The District Court has jurisdiction over all civil cases where the amount in controversy is \$25,000 or less, all criminal misdemeanors and arraignments and preliminary examinations in felony matters.

Judges hold court in Traverse City five days per week. Court is held in Antrim County every Tuesday and Thursday and every Friday in Leelanau County. Judges travel to Antrim and Leelanau on a rotating schedule.

Our Court office is divided into three divisions: criminal/traffic, civil and probation. The criminal/traffic division handles violations of the States Criminal Code and local ordinance violations. It is responsible for scheduling all matters, opening and closing cases, communicating with the jail regarding sentenced inmates and notifying the Department of State Police Records Division of case dispositions. In addition, they are responsible for entering traffic tickets into the computer system, taking payments for both traffic and criminal cases, receiving and disbursing bonds and notifying the Secretary of State of case dispositions. This division also handles weddings that are performed by the court.

The civil division processes all general civil, small claims and summary proceeding (landlord-tenant) cases. It schedules civil hearings and trials, processes civil writs, garnishments and receives money for cases filings.

The probation department performs two functions: (1) meeting with criminal defendants and preparing pre-sentence reports for the judges and (2) supervising probationers.

Our staffing level in 2011 included 32 full-time employees and five (5) part-time employees.

86th District Court Staff

Court Administrator - Carol Stocking

Grand Traverse County Staff

Tammi Rodgers – Magistrate
Tina Lehn – Office Coordinator
Pam Blue – Chief Probation Officer

Criminal/Traffic Division/Cashiers

Dawn Rector*
Sue Schaub
Kendra Wise
Patsy Kent

Civil Division

Ella Dreves
Serena Lovendusky
Mary Wenger-Townsend
Tammie McLain*

Recorders

Angel Kaley
Coleen Rocker
Sheila Hale

Probation Clerks

Claudette Tarr
Beth Lajko

Collections

Suzy Barsheff*
Trish Moore*

Accounting

Marissa Switalski

Case Manager

Kurt Klein***

Community Corrections

Greg Somers - Manager
Margaret Drury
Sherise Shively
Ralph Schultz **

Probation Officers

Jill Platte
Becky Richards
Heidi Gilde
Bob Brown
Jeff Boyce/Lin Loomis-Rutt
Ralph Schultz**

Leelanau County Staff

Norene Kastys – Magistrate/Office
Cindy Schaub – Traffic/Civil Clerk
Mike Cochran – Probation Officer

Antrim County Staff

Shirley Dewitt – Magistrate/Office Coordinator
Jerri White – Traffic Clerk
Carol Austin – Civil Clerk
Elizabeth Stanichuk – Probation Officer
Shannon Johnson – Probation Clerk

* Part-time employee – contracted with NLCMH

** Split position

*** Part-time employee – contracted with NLCMH

Magistrate Activity

The 86th District Court employs one full-time magistrate in Grand Traverse County and one half time magistrate in each of the other two counties. Magistrates conduct informal hearings on traffic tickets, perform weddings, issue arrest warrants, conduct arraignments, set bonds and accept pleas for misdemeanors that have a maximum penalty of 93 days in jail. All magistrates are appointed by the Chief Judge.



Shirely Dewitt, Tammi Rodgers, Norene Kastys

Grand Traverse County Magistrate Activity

	2008	2009	2010	2011
Arraignments	985	1025	984	1098
Informal Hearings	466	337	430	374
Search Warrants	141	121	109	94
Marriages	156	118	126	108

Antrim County Magistrate Activity

	2008	2009	2010	2011
Arraignments	41	40	76	117
Informal Hearings	77	75	128	154
Search Warrants	45	43	34	27
Marriages	22	32	49	32

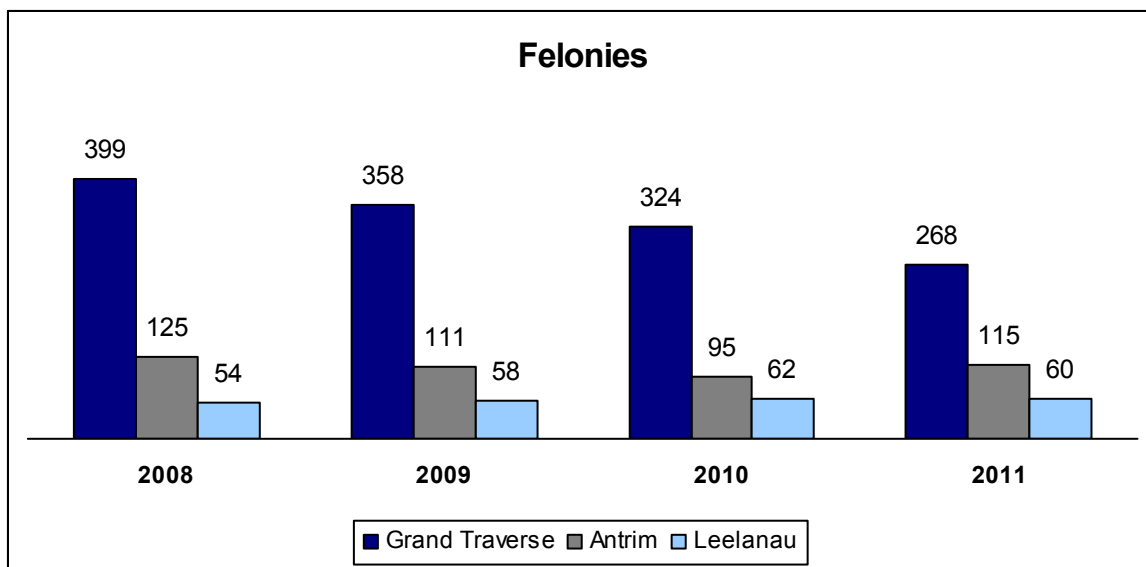
Leelanau County Magistrate Activity

	2008	2009	2010	2011
Arraignments	139	62	93	109
Informal Hearings	50	32	24	46
Search Warrants	98	27	28	32
Marriages	11	11	18	16

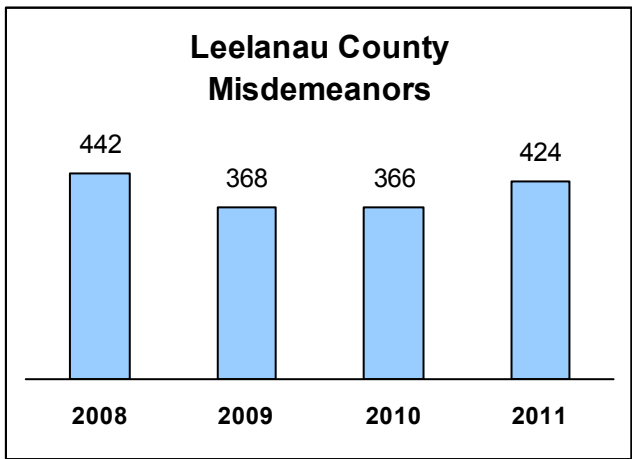
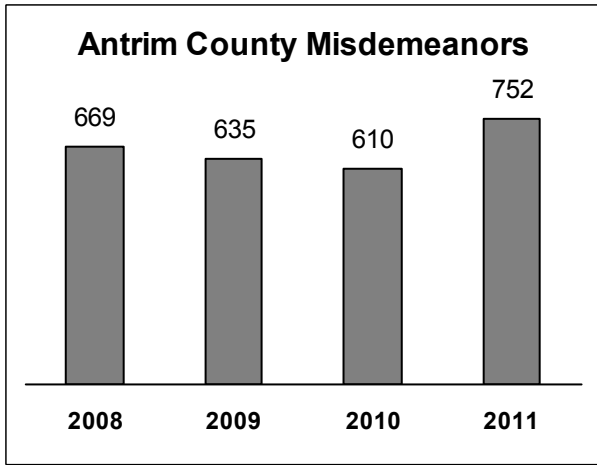
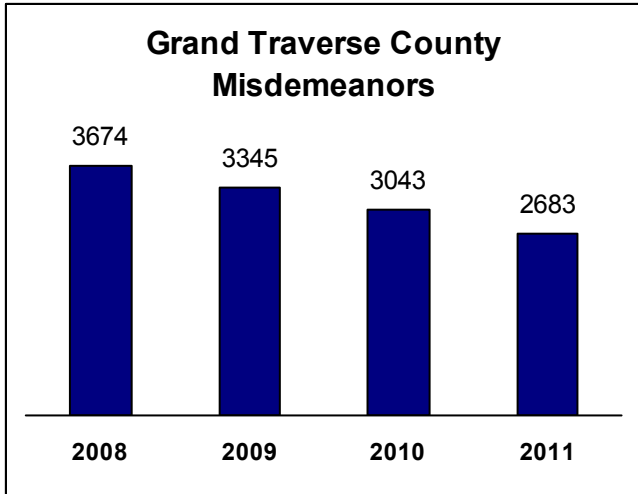
Criminal Division

In Grand Traverse County four full time court clerks and the office coordinator share the work in the criminal and traffic divisions. In Antrim and Leelanau the criminal case load is processed mainly by the half time office coordinator. Their tasks involve tracking from beginning to end, every criminal case filed in the District Court. This job requires a thorough understanding of the court system, knowledge of hundreds of codes, and requires data entry, accuracy and attention to detail. Customer service is a big part of these positions as they have constant interaction with defendants, attorneys, law enforcement and the public, both face-to-face and on the telephone. Our court is proud of the fact that we consistently meet the required time guidelines for case disposition.

Felonies - The first court appearance for each defendant charged with a felony is the District Court arraignment. The preliminary exam that follows must be held within 14 days after the arraignment. If probable cause is established then the defendant is bound over for further proceedings in the Circuit Court.



Misdemeanors - The District Court has jurisdiction over all crimes that are punishable by not more than one year in jail. The following statistics include all misdemeanor offenses; traffic and criminal including Operating While Intoxicated. Indigent defendants are entitled to a court appointed attorney if their crime could result in a jail sentence. The following graphs demonstrate the trend in each county as it pertains to these assignments.

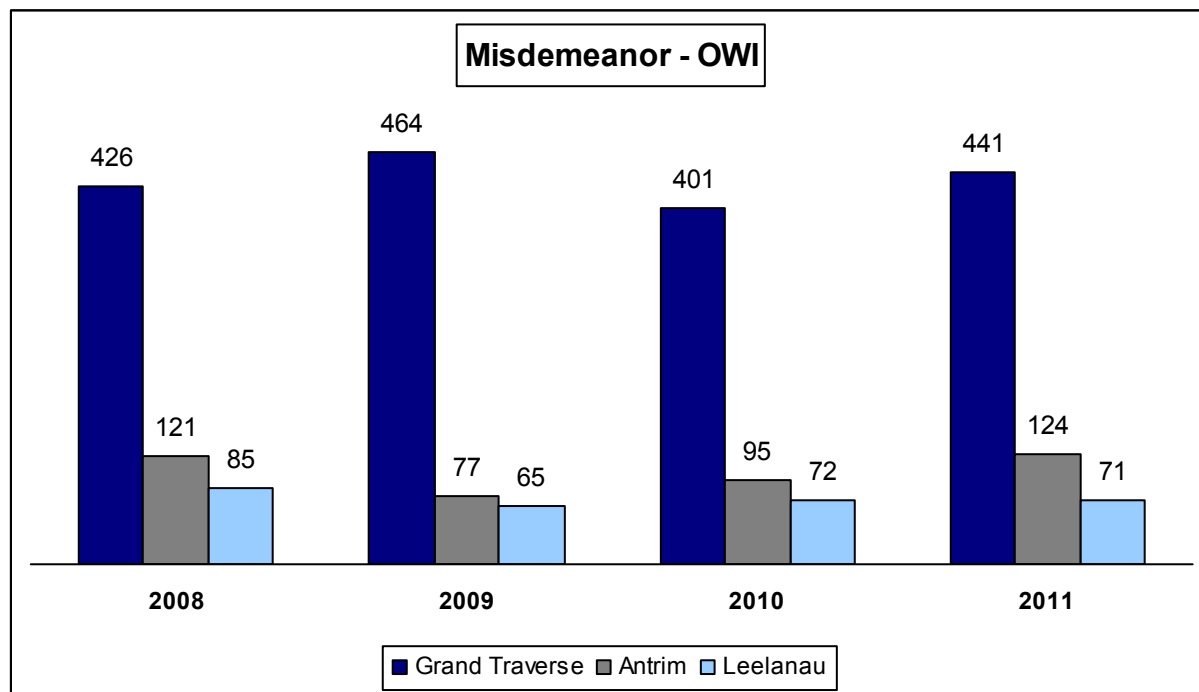


Operating While Intoxicated (OWI) - In 2003 the state legislature reduced the level of intoxication from .10% to .08%. It was in response to the threat to public safety posed by the repeat OWI offender that Judge Haley created the Sobriety Court in December 2001. This special docket follows a nationally developed model of Drug Treatment Courts and is designed to provide treatment alternatives to repeat drunk drivers in order to promote rehabilitation and recovery in lieu of jail. With intensive supervision by a case manager and judicial monitoring throughout probation, these chemically dependent offenders may avoid incarceration by pleading guilty and successfully completing an intensive 2-year probation period, with regular court appearances and case manager meetings throughout.

The program was expanded in 2009 to include OUIL 3rd offense defendants. These defendants, in year one, are on a delayed felony sentence. If they are successful in year one, they get sentenced to a 2nd offense and have up to two additional years of intense probation. Failure results in an immediate felony conviction.

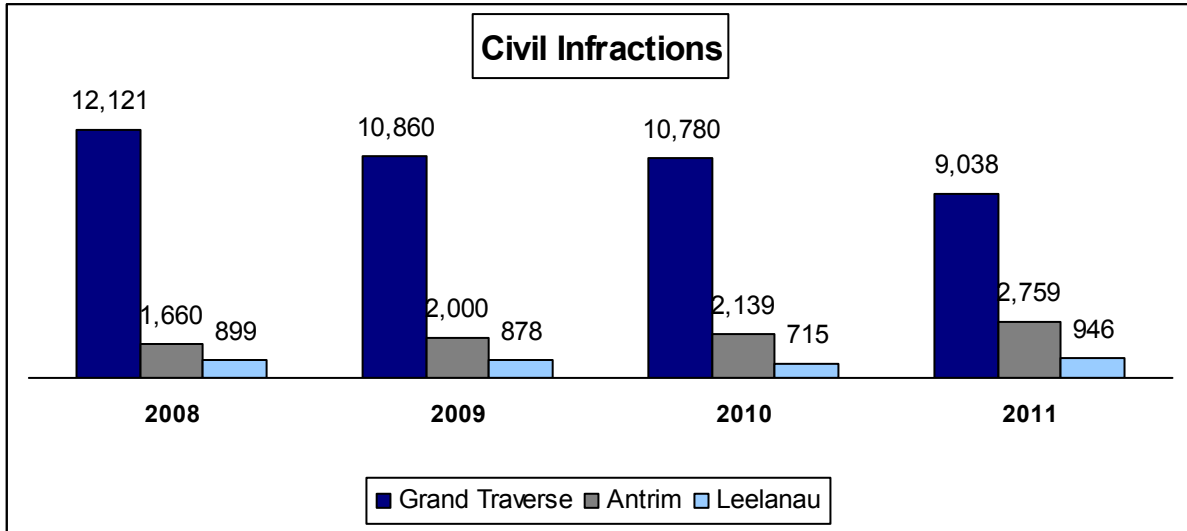
Since its inception, 753 individual defendants have participated in this voluntary program, with 411 actually successfully completing and graduating. The ultimate goal of this program is to reduce the repeat offender rate for drunk driving. In 2005 there were nearly 1000 drunk driving arrests in the three counties of the 86th District. In 2011, there were 739 misdemeanor and felony drunk driving convictions.

This program was an academy court used by the National Association of Drug Court Professionals in training other Sobriety Courts nationwide between 2008-2010.



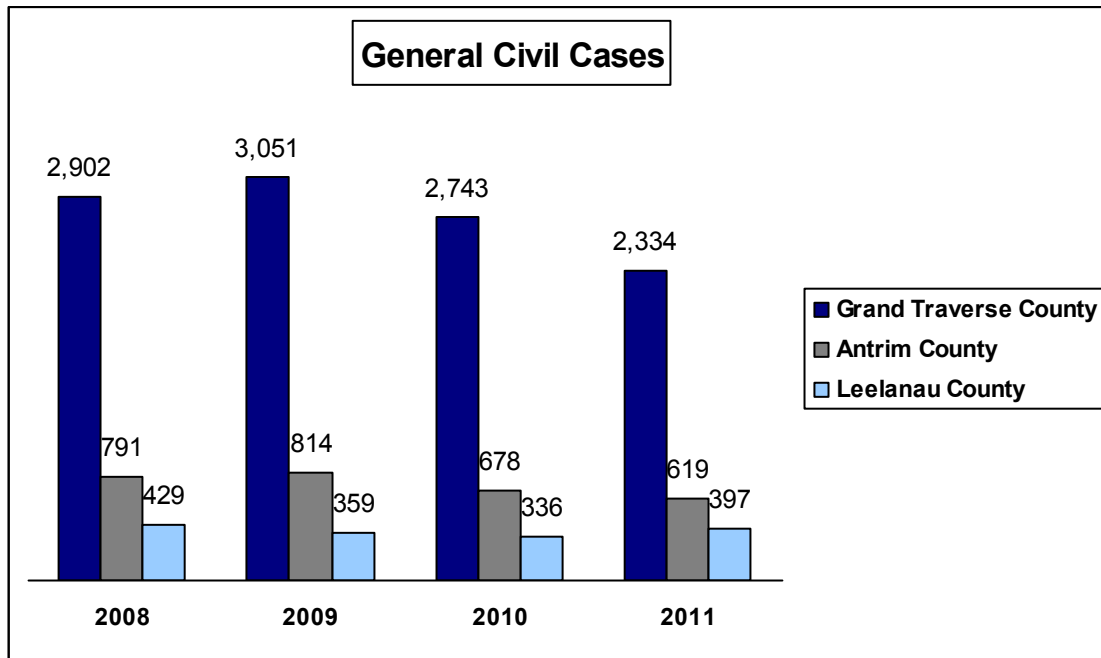
Traffic Division

Traffic - Civil Infractions - Most violations of the Michigan Vehicle Code are civil infractions. Probably the most common civil infraction is the speeding ticket. An informal hearing before a magistrate is scheduled if a person denies responsibility for a civil infraction. The decision of the magistrate may be appealed to the District Judge.

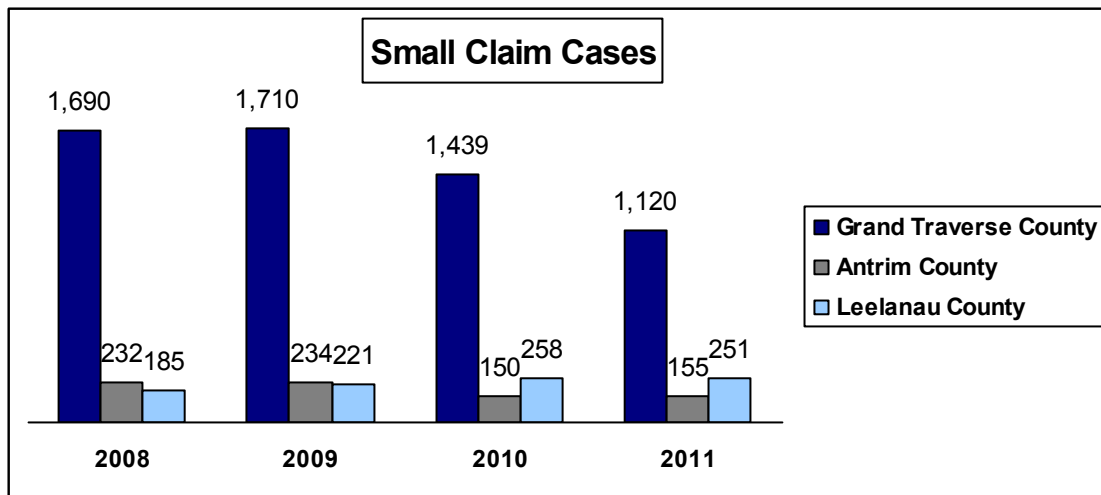


Civil Division

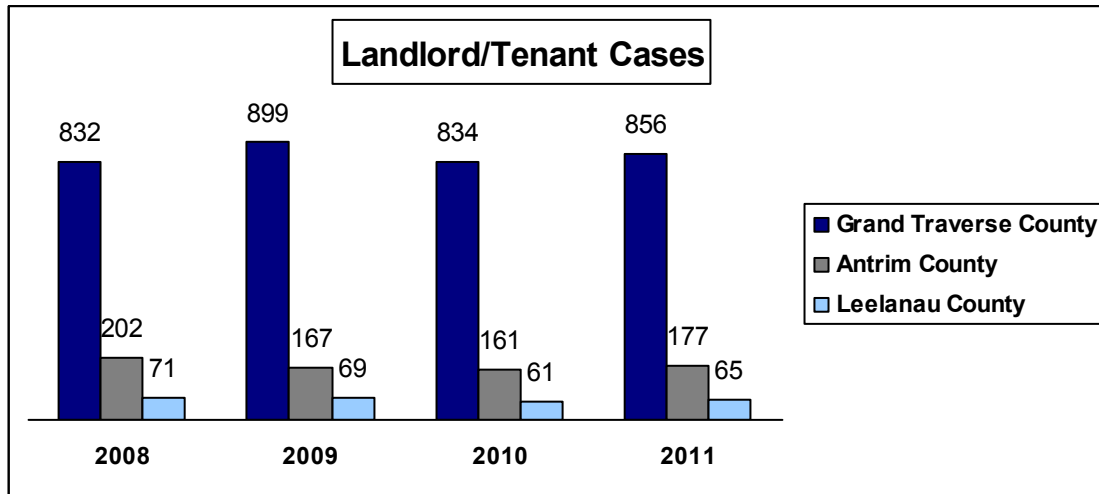
General Civil - The District Court has jurisdiction over disputes involving individuals and businesses where the amount in controversy is \$25,000 or less.



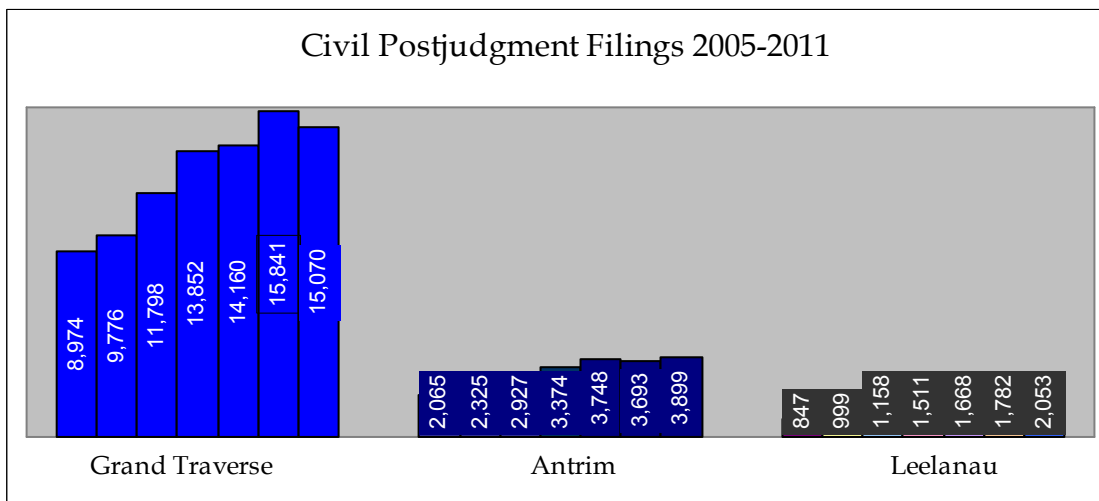
Small Claims - The plaintiff in a case that has an amount in controversy of not more than \$3,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence during a small claims trial are much less formal than in a general civil case trial.



Landlord/Tenant (Summary Proceedings) - Landlord/Tenant cases were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, mobile home park operators and even boat slip owners. The number of cases filed in the District Court will probably continue to rise as the population in our region increases.



Post Judgment Filings – The civil division has seen a large increase in post judgment filings from 2005 through 2010. This indicates that plaintiffs in cases are filing garnishments, motions, writ of execution or writ of restitution in cases after obtaining a judgment in an effort to collect what is due to them. All of these filings require a fee be paid, a portion which stays local and a portion that goes to the state.



Probation Department

The mission of the 86th District Court Probation Department is to provide quality services to judges, victims, probationers and the communities of Grand Traverse, Antrim and Leelanau counties. These services include pretrial release programs, pre-sentence investigations, probationer supervision and therapeutic programs. These services are necessary to restore victims and communities, protect the public, promote probationer accountability and create a climate for probationer behavioral change.

Probation Caseload	2008	2009	2010	2011
Grand Traverse	1037	1032	1220	1006
Antrim	246	199	177	266
Leelanau	166	169	167	156

PSI Totals	2008	2009	2010	2011
All Three Counties	1200	1137	800	826



Gilde, Serena
Pam Blue, Ralph Schultz, Jeff Boyce

Becky Morris, Mike Cochran, Jill Platte, Bob Brown

Heidi
Lovendusky,

Community Corrections

The Community Corrections program has served both the 13th Circuit Court and 86th District Courts in Antrim, Leelanau and Grand Traverse Counties since 1991. The program offers alternatives to jail and/or prison for offenders in our communities. District Court offenders must be sentenced to a jail term of at least 30 days to possibly receive services from the program. The offender must agree to address the reason(s) s/he is incarcerated to be eligible (i.e. substance abuse issues, domestic violence, theft, etc.) The services include community based case management, jail based case management, transitional house living, probation residential services and day reporting, to name a few. Amended orders of probation and/or sentencing are formed through an in-depth assessment and given to jail staff, probation and ultimately the sentencing judge for approval.

The Community Corrections Program is funded by a state grant, tether revenues and appropriations from each county, Grand Traverse, Antrim and Leelanau.

Total Jail beds saved for the FY, 18,824.

2010-2011	Grand Traverse	Antrim	Leelanau
Assessed	165	47	14
Approved & Enrolled	218	41	12
Positive Completions	140	40	7
Failed the Program	38	5	4
Successful Completions %	87.3%	88.9%	63.6%
Average Daily Jail Beds Saved	36.65	10.62	1.23



Sherise Shively, Ralph Schultz, Greg Somers, Margaret Drury

Court Recorders

Court Recorders have the responsibility of making a permanent record of court proceedings and providing a transcript of these proceedings upon request. Along with the efforts of other clerical staff and a court officer, they assist the judge in providing efficient docket movement. They are also responsible for filling out court disposition sheets as each case is heard, which indicates what transpires during a case from time of arraignment to final conclusion.

With the installation of video recording equipment in Antrim County in 2010, all three counties are now equipped with advanced technology allowing for all court proceedings to be captured on video. In addition, each courtroom can do video arraignments, which means that defendants do not have to be physically transported from the jail to the courthouse making this process more efficient and safe.

Each judge has a recorder that is certified by the State of Michigan. The recorders also act as judicial secretary to the judge they serve.



Sheila Hale, Coleen Rocker, Angel Kaley-Wolfe

Collections

A formal collections department was formed in Grand Traverse County in 2002 with the hiring of a full-time employee whose job was to solely focus on outstanding receivables and set up payment agreements with defendants who could not pay in full the day of sentencing. This effort was very successful with overall monies collected increasing by nearly \$500,000 that year.

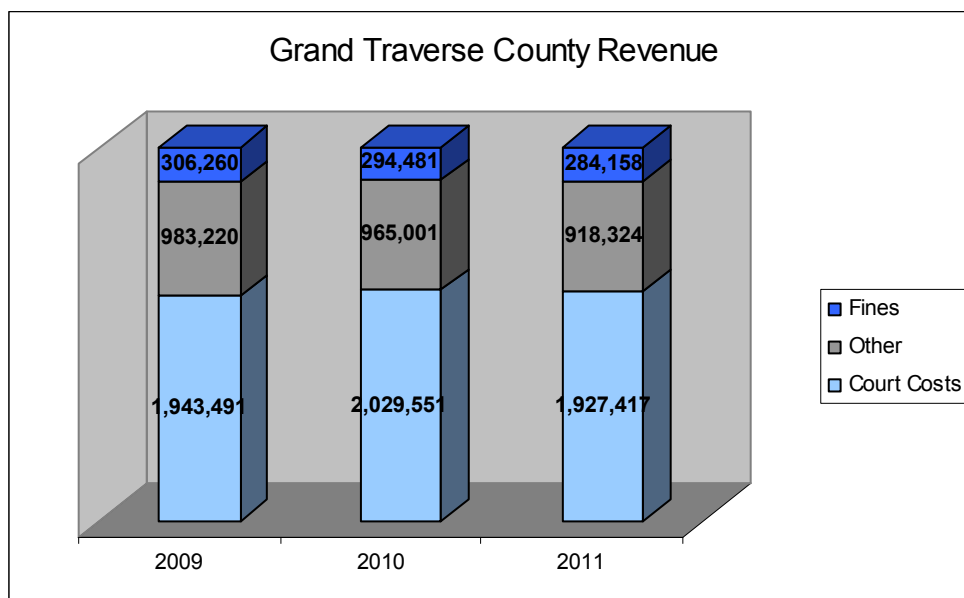
Since then, the court has implemented a formal Collections Policy and collection efforts have been implemented in every county. Along with staff members who actively work to set up payment agreements, time is spent working delinquent cases and probation officers have a more active role in collecting with active probationers.



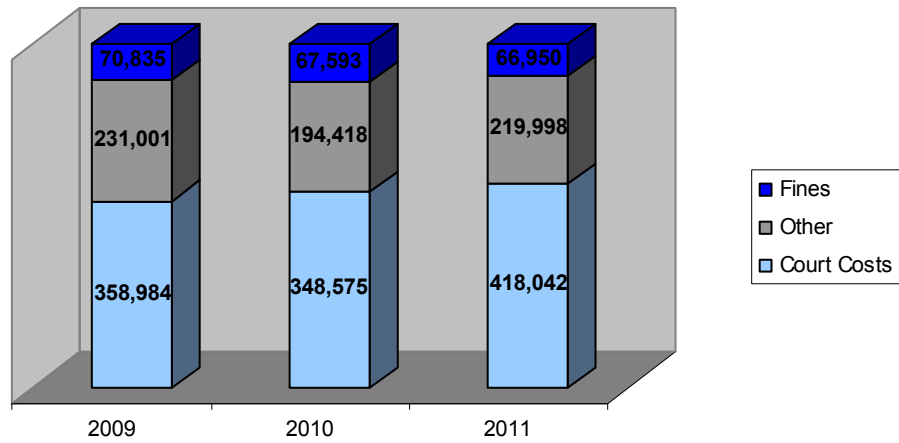
Suzy Barsheff and Trish Moore

The money collected is deposited with the County Treasurer and dispersed monthly according to state guidelines. Some money stays with the local county, fines collected go to the local libraries, and other monies are distributed to the State of Michigan, local townships, and victims.

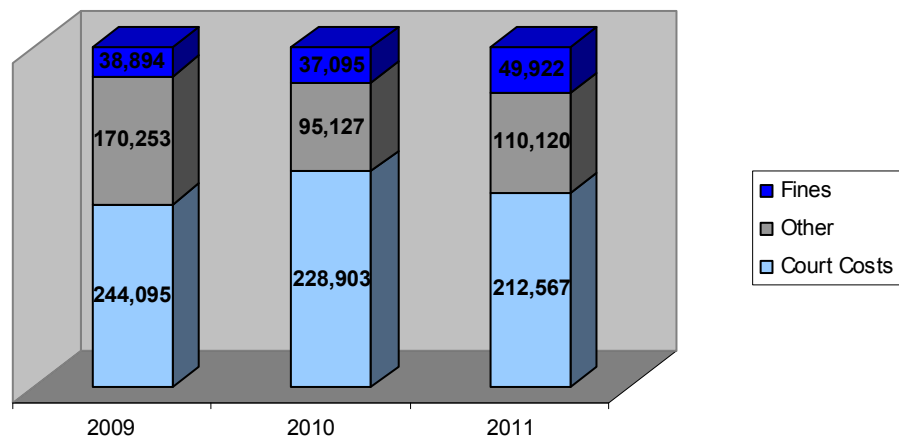
Revenues have remained steady in all three counties, even in this poor economy.



Antrim County Revenue

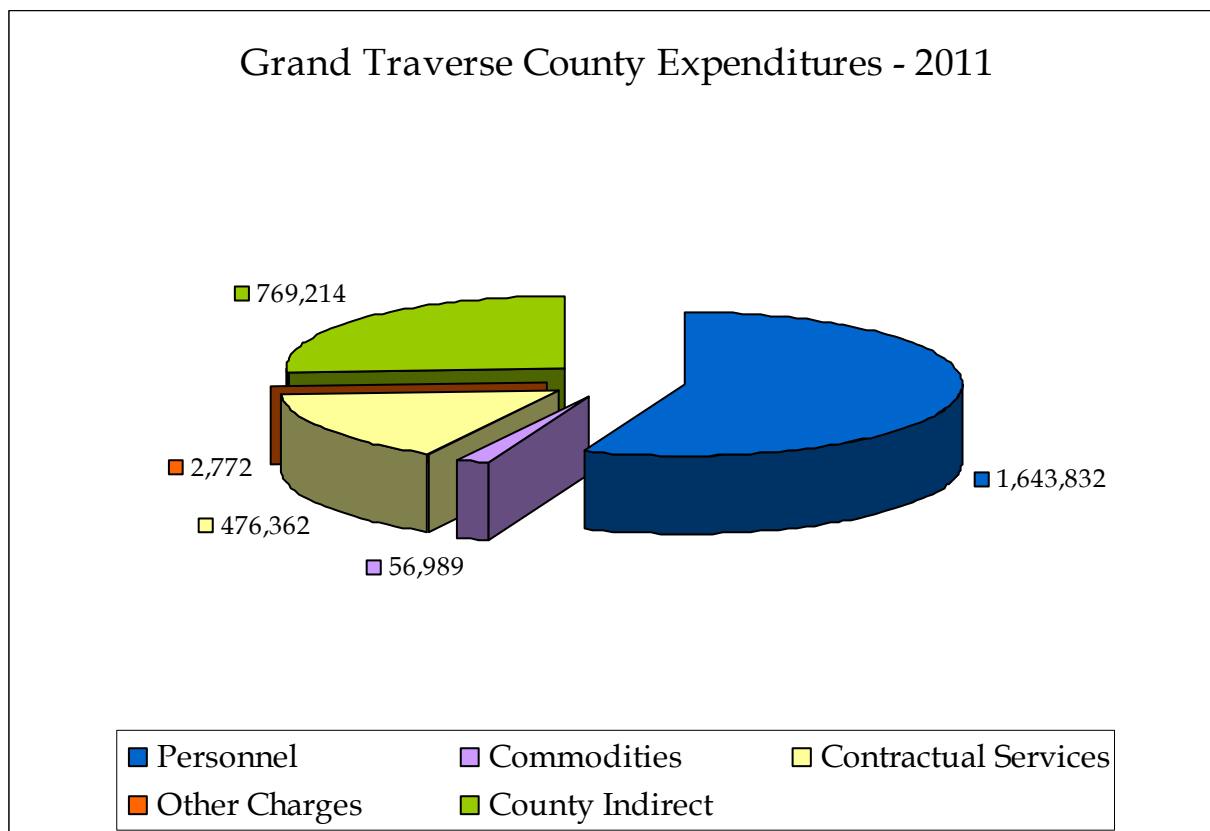


Leelanau County Revenue



Finances

Grand Traverse County is the fiscal agent for the 86th District Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses. The District Court maintains three separate budgets for each of the counties and one “shared-cost” budget. Separate budgets are also created for the Mental Health Court and Community Corrections.



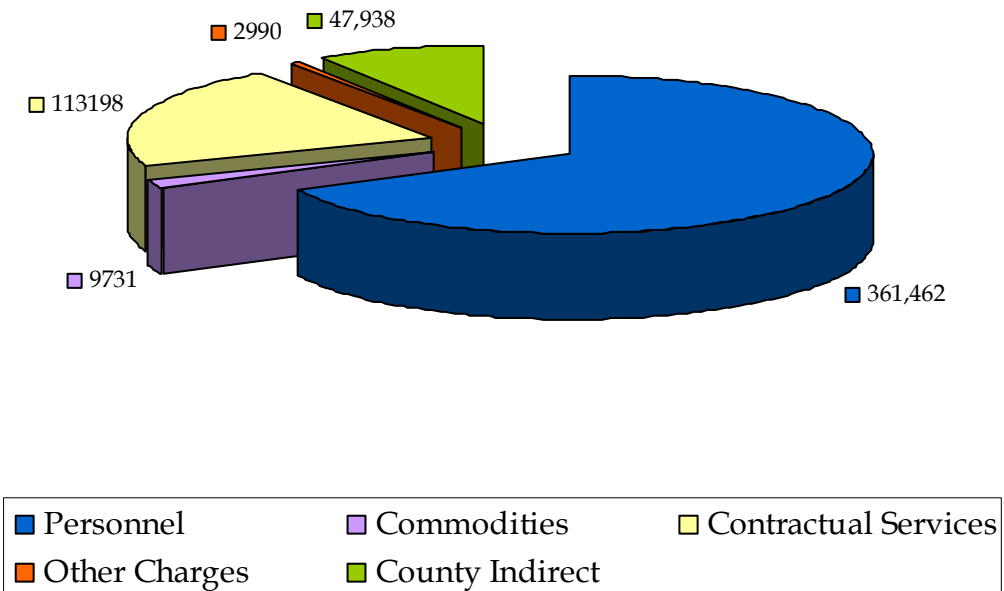
Commodities include office supplies, printing, postage and similar expenses

Contract Services include transcript fees, jury and witness fees, court appointed attorney, interpreter, IT expenses

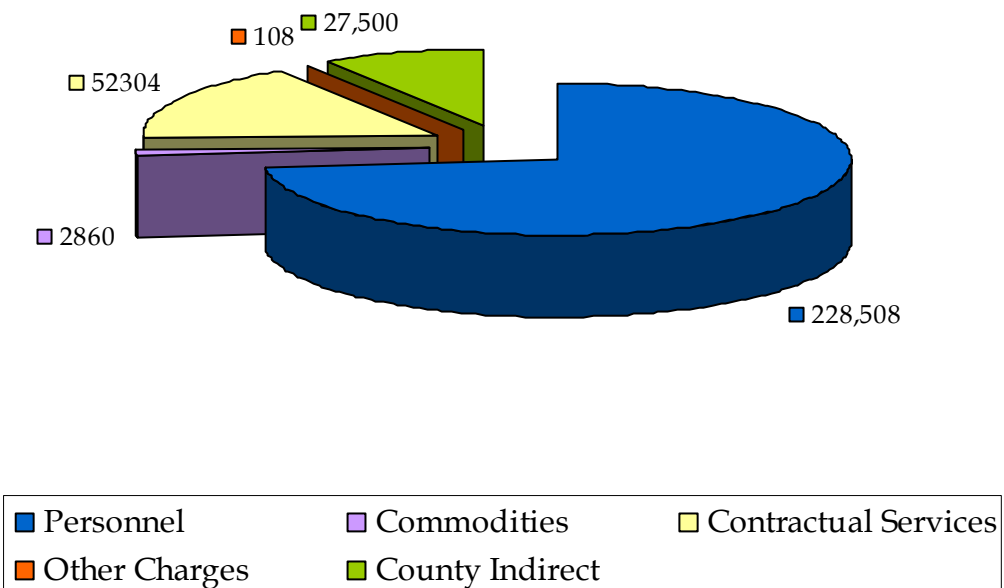
Other Charges include office equipment repair and maintenance, books, tuition reimbursement and employee training

County Indirect is the amount charged by Grand Traverse County for indirect costs such as space, heat, electric, facilities maintenance, etc.

Antrim County Expenditures - 2011



Leelanau County Expenditures - 2011



Staff Photos



Grand Traverse Civil Division
Ella Dreves, Mary Wenger-Townsend, Serena Lovendusky



Grand Traverse Criminal/Traffic Division
Kendra Wise, Sue Schaub, Dawn Rector, Patsy Kent



Leelanau Staff
Norene Katsys and Cindy Schaub



Marissa Switalski, Accounting Technician



Antrim Staff Elizabeth Stanichuk, Shirley Dewitt, Jerri
White
(Shannon Johnson, Carol Austin – missing)



Tina Lehn, Office Coordinator